IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5622 OF 2005

Sanjay Vasudeo Gokhale ... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Mr. R.K. Mendadkar for Petitioner.

Mr. R.D. Rane, Govt. Pleader for R. Nos. 1 and 2.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : JANUARY 23, 2006

P.C.

. The Petitioner has approached this court to impugn the order dated 9.6.2005 passed by the Respondent No. 2. The Committee in para 8 has noted that in the birth certificate of the candidate's father, the name of the Petitioner's grand father is shown as "Ganpati Koshti". The committee noted that in the older days, there was system to write the caste along with the name and this will indicate the caste of the Petitioner's grand father as Koshti. The committee also considering the documents produced at Sr. No. 5 has noted that the caste of the Petitioner's father

was recorded as "Koshti Gadhewal". The committee noted that the caste of the candidate's father, cousin, paternal uncle and paternal grand father was recorded as Gadhewal Koshti and Koshti respectively. This was based on the documents obtained by the vigilance cell. Once the Petitioner's grand father and father as per documentary evidence shows that they do not belong to Halba caste, the question of petitioner claiming to be Halba cannot be sustained. Consequently we find that the order of the scrutiny committee does not suffer from any error apparent on the face of record. The learned Government Pleader has drawn our attention to the Judgement of the Division Bench of this court in Prakash Barapatre Versus State of Maharashtra in W.P. No. 5435 of 2005 decided on 16.11.2005 wherein after considering the judgements of the Apex Court, we have held that the Persons similarly situated like petitioners are not entitled for protection. Once that be the case, there is no merit in this petition which is accordingly dismissed.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)